

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MICHAEL STANLEY KAPLAN,

Defendant,

2:13-CR-0377 PMP-CWH

MINUTES OF THE COURT

Dated: **September 8, 2014**

PRESENT:

**THE HONORABLE PHILIP M. PRO, U.S. DISTRICT JUDGE**

DEPUTY CLERK: EILEEN WOOD COURT RECORDER: ALANA KAMAKA

PRESENT FOR PLAINTIFF: CRANE POMERANTZ, PETE LEININGER

PRESENT FOR DEFENDANT: DOMINIC GENTILE, VINCENT SAVARESE,  
PAOLA ARMENI

**CALENDAR CALL/PRETRIAL CONFERENCE**

9:01 AM - Court convenes. All counsel present. Jury Administrator Jane Hybarger present.

Court will not conduct a pretrial jury questionnaire. Court requests counsel provide their proposed jury voir dire by Wednesday, September 10, 2014. Court offers it's suggestion re jurors hearing pretrial publicity as to the endoscopy case. Court will make clear the distinction between the two cases.

Mr. Gentile argues for a modified proposed jury questionnaire. Defense shall file their proposed questionnaire by tomorrow and the Court will consider whether it shall be used or whether it should be part of voir dire.

Sept 25 and Sept 26 will be dark. Trial estimate 10 days. Defendant's expert is available Sept 24.

Defense has no objection to their sealed witness list being read to the prospective jurors.

Grand Jury transcript to be provided by AUSA to Defense today.

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Ms. Hybarger informs counsel the general information on prospective jurors would be available by Thursday AM. Counsel may sign the required release and pick up the list on 9/11/14 before Noon.

Joint Statement - parties could not reach an agreement. Court will take what's been submitted and draft a neutral statement of the case for the prospective jurors.

The Court hears argument on pending Motions in Limine.

Motion in Limine #65 -**GRANTED**. The subject of Ms Cortez' departure from employment won't be subject to examination.

Motion in Limine #70 - **DENIED** to extent the Court will rule on objections to admissions of co-conspirators statements at time of trial in context.

Motion in Limine #71 - **GRANTED** to extent the Court has rules on issues of law as discussed on the record. Won't preclude arguments as facts unfold in the case.

10:07 AM - Court recesses to hear another matter.

10:35 AM - Court reconvenes with counsel.

Motion in Limine #72 - **TAKEN UNDER ADVISEMENT**. Court may issue a written order or this may be determined at trial.

Motion in Limine #73 - **TAKEN UNDER ADVISEMENT**. Court may issue a written order or this may be determined at trial.

11:00 AM - Court adjourns. Trial will be 8:30 AM-4:30 AM.

**LANCE S. WILSON, CLERK  
UNITED STATES DISTRICT COURT**

/s/ Eileen Wood  
DEPUTY CLERK